

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Muirfield Energy, Inc. for Certification as) Case No. 09-604-EL-AGG
a Competitive Retail Electric)
Aggregator/Broker.)

In the Matter of the Application of)
Muirfield Energy, Inc. for Certification as) Case No. 09-605-GA-AGG
a Competitive Retail Natural Gas)
Aggregator/Broker.)

ENTRY

The attorney examiner finds:

- (1) On August 24, 2011, in Case No. 09-604-EL-AGG (09-604), the Commission issued Certificate No. 09-161E(2) to Muirfield Energy, Inc. (Muirfield or applicant) for certification as a competitive retail electric aggregator/broker. The expiration of the certificate was August 20, 2013.
- (2) On September 2, 2011, in Case No. 09-605-GA-AGG (09-605), the Commission issued Certificate No. 09-158G(2) to Muirfield for certification as a competitive retail natural gas aggregator/broker. The expiration of the certificate was August 21, 2013.
- (3) Rules 4901:1-24-09 (A) and 4901:1-27-09(A), Ohio Administrative Code (O.A.C.), provides that a certificated aggregator/broker is required to file an application for renewal of its certificate at least 30 days prior to the expiration date of the current certificate.
- (4) On September 25, 2013, after the expiration of the certificates, Muirfield filed applications to renew its certificates in 09-604 and 09-605. In addition, Muirfield filed a motion in these dockets requesting an extension of the expiration dates on the current certificates, until October 30, 2013. In support of its motion, Muirfield notes that, until this point, it has missed no other filing deadlines, pointing out that its renewal applications filed in 2011 were timely filed. However, Muirfield explains that, when it

moved to a new office location a few months ago, it experienced an unexpected turn-over of employees. As a result, the applicant's officers were not told the expiration date for the certificates in a timely fashion. Once the applicant realized the certificates needed to be renewed, it obtained counsel and proceeded, forthwith, to file this motion and the renewal applications. According to Muirfield, the extension would be in the best interest of its customers and ensure they receive continuous service from their chosen suppliers, while allowing adequate oversight over the renewal applications.

- (5) Upon consideration of Muirfield's motion for extension, the attorney examiner finds that, in light of the fact that this is the first time Muirfield has filed untimely renewal applications and it appears that the error was a one-time inadvertent administrative error, the motion should be granted. Accordingly, Muirfield's certificate expiration date should be extended to October 30, 2013.
- (6) However, the attorney examiner puts Muirfield on notice that, in the future, should Muirfield fail to file its renewal applications, in accordance with Chapters 4901:1-24 and 4901:1-27, O.A.C., and its certificates expire, Muirfield must cease operations as a competitive retail aggregator/broker upon the expiration of the certificates. If Muirfield then wishes to continue providing competitive retail electric and/or natural gas aggregation/brokerage services after its certificates expired, it will need to file new initial applications requesting such authority. In other words, no extension of the expired certificates will be granted in the future and Muirfield may not be permitted to operate as a competitive retail aggregator/broker until such time as new initial applications are considered in accordance with Chapters 4901:1-24 and 4901:1-27, O.A.C., unless a motion for approval to operate in the interim is granted.

It is, therefore,

ORDERED, That the motion for an extension filed by Muirfield is granted, in accordance with finding (5). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Christine M. T. Pirik

By: Christine M. T. Pirik
Attorney Examiner

JRJ/sc

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in

Case No(s). 09-0604-EL-AGG, 09-0605-GA-AGG

Summary: Attorney Examiner Entry ordered the motion for an extension filed by Muirfield granted in accordance with finding (5). - electronically filed by Sandra Coffey on behalf of Christine M.T. Pirik, Attorney Examiner, Public Utilities Commission of Ohio